

PATENT
Serial No. 09/787,339
Amendment in Reply to Final Office Action mailed on December 21, 2005

REMARKS

This Amendment is being filed in response to the Final Office Action mailed December 21, 2005, which has been reviewed and carefully considered.

By means of the present amendment, claims 12-26 and 28-29 have been canceled without prejudice, and claim 11 has been amended. Claims 1-11 and 27 remain pending in this application, with claim 1 being the only independent claim.

Reconsideration of the present application and entry of the present amendment are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities noted upon review and for better conformance to U.S. practice.

By means of the present amendment, claim 1 has been amended to add a period at the end. Claim 11 was not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

PATENT
Serial No. 09/787,339
Amendment in Reply to Final Office Action mailed on December 21, 2005

In the Final Office Action, the Examiner indicated that claims 9-11 would be allowable if rewritten in independent form. In addition, claims 1-8 and 27 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,724,327 (Timmermans) in view of U.S. Patent No. 6,850,622 (Maejima). Further, claim 2 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Timmermans and Maejima in view of U.S. Patent No. 5,889,868 (Moskowitz). Applicants gratefully acknowledge the indication that claims 9-11 contain allowable subject matter. However, Applicants have not rewritten these claims in independent form, since it is believed that independent claim 1 should be allowable over Timmermans, Maejima and Moskowitz and for at least the following reasons.

Timmermans is directed to a record carrier having two physical variations used for recording and reading information. Only information recorded based on the first variation are read when the record carrier is scanned with a first transducer responsive to the first variation. Similarly, only information recorded based on the second variation are read when the record carrier is scanned with a second transducer responsive to the second variation.

PATENT
Serial No. 09/787,339
Amendment in Reply to Final Office Action mailed on December 21, 2005

As correctly noted by the Examiner, Timmermans does not teach or suggest "details of this data signal." (Page 3, lines 3-4 of the Final Office Action) Maejima is cited in an attempt to remedy this deficiency in Timmermans.

Maejima is directed to a sound field correction circuit that receives stereo signals and produces therefrom center and surround signals. Assuming, arguendo, that the center and surround signals are analogous to the data signal recited in claim 1, it is still respectfully submitted that the Timmermans, Maejima, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, specifically requires (illustrative emphasis provided):

the data signal comprises a first portion and a remaining portion, said first portion being combined with said stereo signal to obtain a composite signal being recorded using said first physical feature on said record carrier and the remaining portion being recorded in a second channel using a second physical feature on said record carrier different from said first physical feature.

It is respectfully submitted that the combination of Timmermans and Maejima, at best, suggests a record carrier where a first type of data is recorded and read based on the first

PATENT
Serial No. 09/787,339
Amendment in Reply to Final Office Action mailed on December 21, 2005

variation, and second type of data is recorded and read based on the second variation.

Recoding, using a first physical feature, a composite signal formed by combining a stereo signal and a first portion of a data signal; and recoding, using a second physical feature, the remaining portion of the very same data signal whose first portion is included in the composite signal, is nowhere taught or suggested in Timmermans, Maejima and combination thereof. Moskowitz is cited in rejecting claim 2 and does not remedy the deficiencies in Timmermans and Maejima.

Accordingly, it is respectfully submitted that independent claim 1 should be allowable. Further, claims 2-11 and 27 should be allowable at least based on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

PATENT
Serial No. 09/787,339
Amendment in Reply to Final Office Action mailed on December 21, 2005

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the one month extension of time fee to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

PATENT
Serial No. 09/787,339
Amendment in Reply to Final Office Action mailed on December 21, 2005

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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April 3, 2006

Enclosure: New Abstract
Petition for one month extension of time
Authorization to charge credit card \$120 for one month extension

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PATENT
Serial No. 09/787,339
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IN THE ABSTRACT

Please delete the current Abstract in its entirety and
substitute therefor the enclosed New Abstract.